IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1044 OF 2000

Shri Dhiraj Lakhamshi Shah & Ors. ...Applicants.
V/s.
Shri Jayantilal Bhimshi Gangar & Anr. ...Respondent

Shri V.V. Gupte for Applicants.
Ms.M.M. Deshmukh, APP for the State.

CORAM : V.M. KANADE, J.

DATED : JANUARY 24, 2006

P.C. :-

. None appears for the respondent though served.

. Learned Counsel for the applicants submits that in all probability the application has become infructuous as the matter is settled between the parties. Even otherwise looking to the facts of the present case, it appears that the complaint was filed under the Maharashtra (Urban Area) Preservation of Trees Act, 1975. The allegations made of cutting down of two trees have been approved by the present applicant. Two trees were old trees and fell down during the monsoon season and the Magistrate on a complaint filed was pleased to issue process. The submissions made by the

learned Counsel for the Applicant are uncontroverted.

2. Considering the allegations which are made in the complaint, no case is made out and the trial Court ought to have applied its mind to the facts and averments which are made in the complaint. The process, therefore, issued by the learned Magistrate is quashed.

. The application is allowed in the above terms.

(V.M. KANADE, J.)